

REMARKS

This is a full and timely response to the Office Action mailed January 21, 2009.

By this Amendment, claim 1 has been amended to incorporate the subject matter of claims 3 and 4, which have been canceled without prejudice or disclaimer to their underlying subject matter. Also, claim 16 has been amended to be in independent form incorporating the subject matter of claims 11, 14 and 15. Thus, claims 1 and 6-17 are currently pending in this application. Support for the claim amendments can be readily found variously throughout the specification and the original claims.

In view of these amendments, Applicant believes that all pending claims are in condition for allowance. Reexamination and reconsideration in light of the above amendments and the following remarks is respectfully requested.

Obviousness-Type Double Patenting Rejections

Claims 1-17 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over the claims of copending U.S. Patent Application Nos. 10/588,437, 10/588,779, and 10/588,758. Applicant has submitted herewith Power of Attorneys executed by the individual assignees, namely Panasonic Electric Works, Ltd. And Proctor & Gamble Company, to validate the terminal disclaimers previously filed on October 23, 2008 for U.S. Patent Application Nos. 10/588,437, 10/588,779, and 10/588,758. Thus, withdrawal of these rejections is respectfully requested.

Claim Objections

Claims 16 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten as independent claims including all of the limitations of the base claim and any intervening claims, and in such a manner as to overcome the double patenting rejections.

The double patenting rejections are overcome by the filing of the Power of Attorneys executed by the individual assignees, as discussed above. Further, claim 16 has been amended to be in independent form including the all of the limitations of base claim 1, as well as intervening

claims 11, 14, and 15. Claim 17 depends from claim 16. Therefore, Applicant respectfully submits that claims 16 and 17 are allowable, and requests withdrawal of this objection.

Rejections under 35 U.S.C. §103

Claims 1, 5-9 and 10-13 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Jeffries et al. (U.S. Patent No. 5,221,050) in view of Coffee et al. (U.S. Patent No. 6,595,208), and further in view of Adams et al. (U.S. Patent No. 5,512,228). Further, claims 3 and 4 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Jeffries et al. (U.S. Patent No. 5,221,050) in view of Coffee et al. (U.S. Patent No. 6,595,208) and further in view of Adams et al. (U.S. Patent No. 5,512,228) and Kelly et al. (U.S. Patent No. 4,380,786). Still further, claims 14 and 15 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Jeffries et al. (U.S. Patent No. 5,221,050) in view of Coffee et al. (U.S. Patent No. 6,595,208), and further in view of Adams et al. (U.S. Patent No. 5,512,228), and Urano et al. (U.S. Patent Application Publication No. 2003/0002995).

To establish an obviousness rejection under 35 U.S.C. §103(a), four factual inquiries must be examined. The four factual inquiries include (a) determining the scope and contents of the prior art; (b) ascertaining the differences between the prior art and the claims in issue; (c) resolving the level of ordinary skill in the pertinent art; and (d) evaluating evidence of secondary consideration. *Graham v. John Deere*, 383 U.S. 1, 17-18 (1966). In view of these four factors, the analysis supporting a rejection under 35 U.S.C. 103(a) should be made explicit, and should "identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements" in the manner claimed. *KSR Int'l. Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 82 USPQ2d 1385, 1396 (2007). Further, the Federal Circuit has stated that "rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). Finally, even if the prior art may be combined, there must be a reasonable expectation of success, and the reference or references, when combined, must disclose or suggest all of the claim limitations. *See in re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Claim 1, as amended, recites, *inter alia*:

wherein said pump is in the form of a gear pump having a pair of gears, one of which is formed with a joint for detachable driving connection with said actuator,

wherein said dispensing unit comprises a pump unit shaped into a generally flat configuration,

wherein said gears are arranged within a thickness of said pump unit with respective rotation axes perpendicular to a plane of said pump unit,

said pump unit being formed with a horizontal channel which extends within the thickness of said pump unit to define an inflow path of said liquid composition from the reservoir to the gear pump as well as an outflow path from the gear pump to the nozzle

None of the prior art of record teaches or suggests at least these features of amended claim 1. More specifically, the prior art of record fails to teach a gear pump having a pair of gears, one of which is formed with a joint for detachable driving connection with the actuator, and a pump unit that is formed with a horizontal channel which extends within the thickness of the pump unit to define an inflow path of the liquid composition from the reservoir to the gear pump as well as an outflow path from the gear pump to the nozzle.

The Examiner acknowledges that Jeffries et al and Coffee et al. fail to teach these features and cites Kelly et al. to cure the deficiency. The Examiner indicates that Kelly et al. teaches a gear pump (see column 13, lines 66-67 of Kelly et al.) and a pump unit that is formed with a horizontal channel (32), as well as an output flow path (260) from the gear pump to the nozzle (see pages 8-9 of Office Action). However, Kelly et al. does not disclose the gear pump in connection with the flow path (260) and the channel (32). More specifically, Kelly et al. only discloses:

"A small gear pump capable of supplying up to 10 ml/Sec at pressures up to 1000 KPa was used in conjunction with filters (10-13m), an accumulator to smooth pump induced pressure pulsations, ball float flow meters to monitor flow rate and suitable valves to provide control comprised the flow system used to circulate the spray fluid during testing" (see column 13, line 66, to column 14, line 5, of Kelly et al.) (emphasis added)

Further, Example III of Kelly et al. states:

"dropping funnel fluid height was maintained at a constant level by a small pump which returned the spray fluid to the funnel" (see column 22, lines 22-24 of Kelly et al.) (emphasis added)

As best understood from these disclosures in Kelly et al., the gear pump is used to circulate the fluid only for a testing purpose, and does not constitute a part of the electrostatic device. Accordingly, Kelly et al. fails to teach the use of a gear pump for supplying the liquid composition from the reservoir to the nozzle.

Further, element (32) of Kelly et al. is disclosed to be a first cylindrically shaped liquid supply conduit having a threaded end (34) that is adapted to be joined to a liquid supply means (see column 8, lines 32-35 of Kelly et al.). Element (260) of Kelly et al. is disclosed to be an end of a liquid supply conduit (262) that is in serial fluid communication with liquid pumping means (256) (see column 10, lines 57-59 of Kelly et al.). Thus, Kelly et al. fails to teach a horizontal channel that defines an inflow path as well as an outflow path. That is, the liquid supply conduit (32) and the end (260) of the liquid supply conduit (262) are formed on opposite of the pump (256), and are not on a common horizontal plane (see Figure 5 of Kelly et al.)

Therefore, Kelly et al. fails to disclose a gear pump having a pair of gears, one of which is formed with a *joint for detachable driving connection with the actuator*, and a pump unit that is formed with a *horizontal channel*, which extends within the thickness of the pump unit to define *an inflow path* of the liquid composition from the reservoir to the gear pump as well as *an outflow path* from the gear pump to the nozzle.

Adams et al. and Urano et al. fail to cure the deficiencies of Jeffries et al., Coffee et al, and Kelly et al. noted above.

Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. §103(a) rejection of claim 1. Claims 3 and 4 have been canceled. Claims 6-15 depend directly or indirectly from claim 1 and are allowable at least for this reason. Since none of the other prior art of record, whether taken alone or in any combination, discloses or suggests all the features of the claimed invention, Applicant respectfully submits that independent claim 1, and all the claims that depend therefrom, are allowable.

CONCLUSION

For the foregoing reasons, all the claims now pending in the present application are believed to be clearly patentable over the outstanding rejections. Accordingly, favorable reconsideration of the claims in light of the above remarks is courteously solicited. If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

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